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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,536	12/28/2005	Arthur Putzer	AT030038	5903
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EXAMINER				
LEE, LAURA MICHELLE				
ART UNIT		PAPER NUMBER		
3724				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/562,536

Applicant(s)

PUTZER, ARTHUR

Examiner

LAURA M. LEE

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 7/19/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/07/2010 has been entered. Claims 1-3, 5-8 and 10 are pending, claims 1-3, 6-8 and 10 are currently amended.

Claim Objections

2. Claims 1 and 8 are objected to because of the following informalities: Claim 1, line 20 and claim 8, line 9, should be changed from "the drive lever having a free end fixedly attached to the drive lever" to -- the drive lever having a free end fixedly attached to the base--, as the previous statement is a typographical error.

Claim 2, lines 6-7, should be changed from "wherein the inclination is smaller" to -- wherein the inclination angle is smaller--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennenman et al. (U.S. Patent 3,811,188), herein referred to as Brennenman. Brennenman discloses a shaving apparatus(10) comprising a base (10); a shaving head (18) mounted on the base, the shaving head having a central longitudinal axis along a center of the shaving head in a longitudinal direction of the shaving head; wherein the shaving head is pivotably mounted with respect to the base about a pivot axis (as per Figure 3), the pivot axis being parallel to the central longitudinal axis and at a side of the shaving head away from the central longitudinal axis; and a drive lever (26) extending from the base, the drive lever having a free end fixedly attached to the drive lever/base (fig. 3), and extending into the shaving head for driving cutters of the shaving head, wherein the free end is tilted relative to the longitudinal axis of the base by an inclination angle.

In regards to claim 10, Brennenman discloses wherein the inclination angle is between 120 and 140 degrees (fig. 3).

5. Claims 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Ochiai et al. (U.S. Patent 4,505,036), herein referred to as Ochiai. Ochiai discloses a shaving apparatus(1) comprising a base (1a); a shaving head (39) mounted on the base, the

shaving head having a central longitudinal axis along a center of the shaving head in a longitudinal direction of the shaving head; wherein the shaving head is pivotably mounted with respect to the base about a pivot axis (as per Figure 2), the pivot axis being parallel to the central longitudinal axis and at a side of the shaving head away from the central longitudinal axis (col. 4, lines 39-44); and a drive lever (33) extending from the base, the drive lever having a free end fixedly attached to the drive lever/base (fig. 3/5b), and extending into the shaving head for driving cutters of the shaving head, wherein the free end is tilted relative to the longitudinal axis of the base by an inclination angle.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 5, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (U.S. Patent 4,505,036) in view of Pahl (U.S. Patent 4,922,608). In regards to claims 1 and 8, Ochiai discloses a shaving apparatus (1) comprising: a base part (1a) for being held in one hand having a top end and a bottom end; a shaving head (39) being mounted on the base part in a region of the top end of the base part and having a short hair cutting device (35) and a long hair cutting device (10), wherein the short hair cutting device has short hair cutting parts which interact with

one another, and wherein the long hair cutting device is formed by a toothed cutting device which has two rows of cutting teeth lying next to one another in a longitudinal direction of the rows, and wherein the shaving head is pivotally mounted with respect to the base part(1a), about a pivot axis running parallel to the longitudinal direction of the rows, and wherein the pivot axis is arranged offset to a side of the shaving head away from a central longitudinal axis (col. 4, lines 39-44) of the shaving head and towards the base part with respect to the short hair cutting parts and the rows of the cutting teeth in a depth direction of the shaving head; a spring (not numbered, see Fig. 4, next to ref. 33) that spring loads the shaving head counter to the depth direction away from the base part and towards a rest position of the shaving head; and a drive lever (33) extending from the base part towards the shaving head along a longitudinal axis of the base, the drive lever having a free end fixedly attached to the base and extending into the shaving head for driving cutters of the shaving head, wherein the free end is tilted relative to the longitudinal axis of the base by an inclination angle (see Figs. 3 and 5b). Although Ochiai discloses both a long hair and a short hair cutting device, Ochiai does not disclose that the long hair cutting device being arranged next to the short hair cutting device in a first side direction of the shaving head. However, attention is also directed to the Pahl shaving apparatus. Pahl discloses another shaving apparatus (fig. 6) with both two long hair and a short hair cutter that is pivotable about a longitudinal axis, where the axis is not necessarily at the center of the shaving head and may be provided in a neighboring range of the center of the shaving head "to ensure that the entire shaving area usable for shaving is placed in contact with the skin while the shaver

housing is held against the skin at typical angles., and that the shearing area of part of the usable shearing area does not become disengaged from the skin surface as the directions of sliding movement of the shearing head over the skin surface change" (col. 6, lines 37-47). As both Pahl and Ochiai disclose similar pivoting shaving head structure, it would have been obvious to have modified the Ochiai shaving head as taught by Pahl to have incorporated two long hair cutting devices on opposite sides of the Ochiai short hair cutter to add to a greater cutting efficiency to the user during operation of the Ochiai cutter.

In regards to claim 2, the modified device of Ochiai discloses wherein the longitudinal axis of the base part (1a) runs between the bottom end and the top end of the base part, and wherein the central longitudinal axis of the shaving head runs parallel to the depth direction, and wherein the free end is along the central longitudinal axis of the shaving head and wherein the inclination angle is smaller than 180 degrees (fig. 3).

In regards to claim 5, the modified device of Ochiai discloses wherein a second toothed cutting device (as modified by Pahl; fig. 6) is provided and wherein the short hair cutting device is arranged between the two toothed cutting devices.

In regards to claim 6, the modified device of Ochiai discloses wherein the spring means (not numbered, see Fig. 4, next to ref. 33) comprises a wire spring which has a multiple wound middle section and two leg sections and is arranged with its middle section concentric to the pivot axis.

8. Claims 3, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (U.S. Patent 4,505,036) in view of Pahl (U.S. Patent 4,922,608). The modified device of Ochiai discloses that the angle of inclination is 15 degrees or alternatively, 105 degrees depending upon the referenced axis. Ochiai does not disclose that the angle therefore lies in a range between 120 and 140 degrees, nor is 130 degrees. However, as it is desirable to maintain the shaving head in various operating positions, and particularly at an optimal angle of application to the skin and as both the purpose of the applicant's claimed angle and the angle as shown by Ochiai is to provide an optimum position of the blade relative to the user's skin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Ochiai blade at an angle of about 130 degrees as a matter of design choice to determine and accommodate the best optimal angle for use of the shaver with the user's face since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai et al. (U.S. Patent 4,505,036) in view of Pahl (U.S. Patent 4,922,608) and in further view of Beutel (U.S. Publication 2002/0000043). To the extent that it can be argued that Ochiai does not disclose that the spring means is a wire spring which has a multiple wound middle section and two leg sections it is noted that springs such as coil and leaf springs are recognized within the art as equivalent mechanical structures each designed to

create a positive or negative biasing force against an object. Attention is further directed to the Beutel shaving device, which discloses the use of a coil spring (spring element 107) in the locking device 10 for a similar purpose of providing a biasing force against the locking mechanism to keep the lock in place. As leaf and coil springs are art recognized equitant structures and as Beutel discloses similar use of a coil spring, it would have been obvious to one having ordinary skill in the art to have substituted the leaf spring of Ochiai for a coil spring having a wound middle section and two leg sections (ends) as taught by Beutel as each spring would have performed the desired biasing function equally well and would not have modified the operation or intent of the spring means to hold the shaving head in the secured position.

Response to Arguments

10. Applicant's arguments with respect to claims 1-3, 5-8, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Lee/
Primary Examiner, Art Unit 3724
3/14/2011